



Serial No.: 10/738,938  
Attorney Docket No.: 801204-0003

IPW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Raul G. Barletta and Zhengyu Feng  
Serial No. : 10/738,938  
Filing Date : December 17, 2003  
Title : RECOMBINANT MYCOBACTERIA  
OVEREXPRESSING D-ALANINE LIGASE GENE  
AND USES THEREFORE  
  
Group/Art Unit : 1652  
Examiner : Not Yet Assigned  
Confirmation No. : 8745  
  
Atty. Docket No. : 801204-0003

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references listed on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed. Submission of these references is not an admission that the references constitute prior art.

Applicants respectfully request that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: July 14, 2004

Signature: Lora Gurley

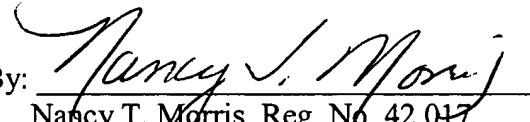
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The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) or before the mailing of a first Office Action on the merits. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
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PTO/SB/08A (08-00)

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<p>Substitute for Form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>		<b>Complete if Known</b>	
		<b>Application Number:</b>	10/738,938
		<b>Filing Date:</b>	December 17, 2003
		<b>First Named Inventor:</b>	Raul G. Barietta
		<b>Group Art Unit:</b>	1652
<b>Examiner Name:</b>	Not Yet Assigned		
Sheet	1	of	4
		Attorney Docket Number:	
		801204-0003	

## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for Form 1449B/PTO (Modified)				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				Application Number:	10/738,938
				Filing Date:	December 17, 2003
				First Named Inventor:	Raul G. Barletta
				Group Art Unit:	1652
				Examiner Name:	Not Yet Assigned
				Attorney Docket Number:	801204-0003
Sheet 2		of 4			

<b>OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T <sup>2</sup>
		FENG, ZHENGYU, and Barletta, Raúl, "Roles of <i>Mycobacterium smegmatis</i> D-Alanine:D-Alanine Ligase and D-Alanine Racemase in the Mechanisms of Action of and Resistance to the Peptidoglycan Inhibitor D-Cycloserine", <i>Antimicrobial Agents and Chemotherapy</i> . 2003, Vol. 47, No. 1, p. 283-291.			
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Examiner Signature		Date Considered	
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